(5)

CF/100K

IN THE HIGH COURT OF CHHATTISGARH JUDICATURE AT BILASPUR

W.P.NO. 3740 /2003

PETITIONER : Ku. Deepali Pandey D/o Shri BaijNath Pandey, Advocate, aged 26 Years R/o Near Archana Vihar In Front of Modern School (Gandhi Nagar) Nehru Nagar Bilaspur (C.G.)

P.R. No. 3452/03
Presented by Shri A.N. Pandey
dated 6.11.03

VERSUS

RESPONDENTS :

1. State of Chhattisgarh through Secretary, Revenue Department Secretariat Mantralay D.K.S. Bhawan Raipur (C.G.)
2. Shri S.N. Dubey, Nayab Tahsildar Tahsil Office Nehru Chowk Bilaspur (C.G.)
3. S.D.O. /S.D.M. Tahsil Office Nehru Chowk Bilaspur (C.G.)
4. Collector Bilasppr Collectrate Office in front of Civil Court Bilaspur ~~Bilaspur~~ (C. G.)
5. Chhattisgarh Public Service Commission through Secretary C.G. P.S.C. Shanker Nagar Road ~~Bilaspur~~ Raipur (C.G.)

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6-11-03
Clerk to A.G. Bilaspur

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(1) Particulars of the Petitioners as given in the Cause Title.

(2) Particulars of the Respondents

Oath Commissioner
A. PARIHAR
BILASPUR (C.G.)
Tahsil

(86)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 3740/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	17.12.2003 Petitioner in person. Dr. N.K. Shukla, Additional Advocate General for the State/respondents 1 to 4. By this petition under Article 226/227 of the Constitution of India, the petitioner has challenged the action of respondent No.2 whereby he is not accepting the application of the petitioner for grant of Mool Niwas Praman Patra. The petitioner's petition is that she was born on 01.08.1977 at Raipur, Chhattisgarh. Copy of the birth certificate is Annexure-A. The petitioner completed her education from primary to graduation and thereafter, she obtained Law Degree also from Jabalpur. The petitioner appeared as resident of State of Chhattisgarh in Civil Judge Preliminary Examination and she has qualified in the preliminary examination. She is required to submit domicile certificate of the State of Chhattisgarh till 27.10.2003. Accordingly, the petitioner submitted a form for obtaining the domicile certificate from respondent No.2, through Pradeep Shrivas. Respondent No.2 refused grant domicile certificate on the ground that the petitioner has received her education at Jabalpur and respondent No.2 returned the form without passing any order. The elder brother of the petitioner namely, Rahul Pandey met respondent No.2, even then, respondent No.2 refused to grant the certificate. The petitioner's case is that she is entitled for domicile certificate as per clause 3 of Chhattisgarh State Circular dated 17.06.2003 published by the State of Chhattisgarh and further she is entitled for the said certificate	

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.3740/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

under clause 1 of the said circular. The father of the petitioner completed his education from Bilaspur Higher Secondary School and he also possesses a plot of 5 decimal at Jarhabhata locality in Bilaspur. Further, the father of the petitioner is in possession of a plot measuring 10 decimal at Sarkanda locality in Bilaspur and he also got agricultural land in his name in District Bilaspur.

I have heard the petitioner and learned counsel for respondents 1 to 4.

The petitioner submits that respondent No.2 is not even accepting the application form for grant of domicile certificate and he is simply saying that since the petitioner has received her education at Jabalpur, the petitioner is not entitled for domicile certificate.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, I am of the opinion that the action of respondent No.2 is not justified and under the law he is required to accept the application form, pass appropriate order and give his decision on the application. Accordingly, respondent No.2 is directed to accept the application form of the petitioner, pass appropriate order and decision on that application and communicate the decision to the petitioner, and if required he shall also give a certified copy of the order to the petitioner. The petitioner is allowed to file application before respondent No.2 within a period of three days from today and in turn respondent No.2 shall decide her application within a period of three days from the date of receipt of the application.

With the above observations and directions the petition stands disposed of.

[पीछे देखिये

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Soma	Consequently, M.(W.)P.No.3370/2003, I.A.Nos.10763/2003 and 11853/2003 also stand disposed of. Parties are entitled for certified copy of this order. Sd/- L.C.BHADOO Judge	